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25006

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In re Application of :
JENSEN, Benny V. :
U.S. Application No.: 10/597,545 :
PCT No.: PCT/DK2005/000065 :
Int. Filing Date: 28 January 2005 :
Priority Date: 30 January 2004 :
Attorney Docket No.: HOI-11502/16 :
For: USE OF ACE INHIBITORS AND/OR :
ANGIOTENSIN II RECEPTOR :
ANTAGONISTS FOR THE IMPROVING :
AND/OR MAINTAINING THE SKIN :
TONE AND FOR THE TREATMENT OF :
SKIN AGEING :

**DECISION ON
PETITION
UNDER 37 CFR 1.497(d)**

This is a decision on the papers filed 18 September 2008 requesting to add Richard Bonniehsen as an inventor in the above-captioned national stage application. This is treated as a renewed request under 37 C.F.R. 1.497(d).

BACKGROUND

On 18 July 2008, a decision dismissing applicants' petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available.

On 18 September 2008, applicants filed the renewed petition along with, *inter alia*, a "Consent of Assignee to Change in Inventorship Pursuant to 37 CFR § 1.497(d)(3)."

DISCUSSION

Applicants request that Richard Bonniehsen be added as inventor to the above-captioned national stage application.

As previously noted, 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Applicants completed items (1) and (2) in the initial petition. Applicants failed to provide the written consent of the assignee ACE ApS in the original petition.

In the renewed petition, applicants submitted a statement signed by the Director of ACE ApS consenting to the addition of the inventor. A Director is a position in a foreign corporation presumed to have authority to sign for a corporation. See § 324 MPEP. The reel and frame number of the assignment was also provided. Item (3) of 37 CFR 1.497(d) is now satisfied.

All items of 37 CFR 1.497(d) are now complete.

CONCLUSION

Applicants' request to add Richard Bonnielsen as an inventor in the above-captioned application pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 11 October 2007 is now in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 28 January 2005, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 11 October 2007.

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This application is being forwarded to the DO/EO/US for further processing.

A handwritten signature in black ink that reads "James Thomson". The signature is written in a cursive style with a large, stylized "J" and "T".

James Thomson

Attorney Advisor

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